

111TH CONGRESS
1ST SESSION

H. R. 2523

To amend the Act titled “An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases”, approved August 9, 1955, to provide for Indian tribes to enter into certain leases without prior express approval from the Secretary of the Interior.

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2009

Mr. HEINRICH introduced the following bill; which was referred to the
Committee on Natural Resources

A BILL

To amend the Act titled “An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases”, approved August 9, 1955, to provide for Indian tribes to enter into certain leases without prior express approval from the Secretary of the Interior.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Helping Expedite and
3 Advance Responsible Tribal Homeownership Act” or the
4 “HEARTH Act”.

5 **SEC. 2. APPROVAL OF, AND REGULATIONS RELATED TO,**
6 **TRIBAL LEASES.**

7 The first section of the Act titled “An Act to author-
8 ize the leasing of restricted Indian lands for public, reli-
9 gious, educational, recreational, residential, business, and
10 other purposes requiring the grant of long-term leases”,
11 approved August 9, 1955 (25 U.S.C. 415) is amended as
12 follows:

13 (1) In subsection (d)—

14 (A) by striking paragraph (2) and insert-
15 ing the following:

16 “(2) the term ‘Indian tribe’ has the meaning
17 given such term in section 4(e) of the Indian Self-
18 Determination and Education Assistance Act (25
19 U.S.C. 450b(e));”;

20 (B) in paragraph (3)—

21 (i) in the matter preceding subpara-
22 graph (A), by striking “Navajo Indian”;

23 (ii) in subparagraph (A), by striking
24 “the Navajo Nation” and inserting “an In-
25 dian tribe”;

1 (iii) in subparagraph (B), by striking
2 “Navajo Indians or members of another
3 Indian tribe” and inserting “an Indian
4 tribe or a member of an Indian tribe”; and

5 (iv) in subparagraph (C)(I), by strik-
6 ing “Navajo Indian” and inserting “mem-
7 ber of an Indian tribe”;

8 (C) in paragraph (4), by striking “the
9 Navajo Nation” and inserting “an applicable
10 Indian tribe”;

11 (D) by striking paragraph (5) and redesign-
12 ating paragraphs (6), (7), and (8) as para-
13 graphs (5), (6), and (7), respectively;

14 (E) in paragraph (5) (as redesignated), by
15 striking “the Navajo Nation” and inserting “an
16 Indian tribe”; and

17 (F) in paragraph (7) (as redesignated)—

18 (i) by striking “the Navajo Nation”;

19 and

20 (ii) by striking “with Navajo Nation
21 law” and inserting “with applicable tribal
22 law”.

23 (2) In subsection (e)—

(A) by amending the subsection heading to read as follows: “APPROVAL OF LEASES—TRIBAL DISCRETION.—”;

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “Any leases by the Navajo Nation” and inserting “At the discretion of any Indian tribe, any leases by the applicable Indian tribe”; and

(ii) in subparagraph (B), by striking “Navajo Nation” and inserting “applicable Indian tribe”;

(C) in paragraph (2), by striking “Navajo”;

(D) in paragraph (3)—

(i) by striking “the regulations of the Navajo Nation” and inserting “such regulations”; and

(ii) by striking “with the Navajo Nation” and inserting “with the applicable Indian tribe”;

(E) in paragraph (4), by striking “Navajo Nation” each place it appears and inserting “applicable Indian tribe”;

(F) in paragraph (5)—

1 (i) by striking “paragraph (1), includ-
 2 ing the Navajo Nation.” and inserting
 3 “paragraph (1).”; and

4 (ii) by striking “to the Navajo Na-
 5 tion” and inserting “to the applicable In-
 6 dian tribe”;

7 (G) in paragraph (6)(A)—

8 (i) by striking “of the Navajo Nation”
 9 and inserting “of the applicable Indian
 10 tribe”; and

11 (ii) by striking “Navajo Nation tribal”
 12 and inserting “tribal”; and

13 (H) in paragraph (6)(B), by striking
 14 “Navajo Nation” both places it appears and in-
 15 serting “applicable Indian tribe”.

16 **SEC. 3. LAND TITLE REPORTS—REVIEW AND REPORT TO**
 17 **CONGRESS.**

18 Not later than 180 days after funds are made avail-
 19 able for this section, the Bureau of Indian Affairs shall
 20 prepare and submit to the Committees on Financial Serv-
 21 ices and Natural Resources in the House of Representa-
 22 tives and the Committees on Banking, Housing, and
 23 Urban Affairs and Indian Affairs in the Senate a report
 24 regarding the history and experience of Indian tribes that
 25 have chosen to assume responsibility for operating the In-

1 dian Land Title and Records Office (hereafter referred to
2 as the “LTRO”) functions from the Bureau of Indian Af-
3 fairs. In conducting the review, the Bureau of Indian Af-
4 fairs shall consult with the Department of Housing and
5 Urban Development Office of Native American Programs
6 and those Indian tribes that are managing LTRO func-
7 tions (hereafter referred to as the “managing Indian
8 tribes”). The review shall include an analysis of the fol-
9 lowing factors:

10 (1) Whether and how tribal management of the
11 LTRO functions has expedited the processing and
12 issuance of Indian land title certifications as com-
13 pared to when the Bureau of Indian Affairs man-
14 aged these programs.

15 (2) Whether and how tribal management of the
16 LTRO functions has increased home ownership
17 among the managing Indian tribe’s population.

18 (3) What internal preparations and processes
19 were required of the managing Indian tribes prior to
20 assuming management of the LTRO functions.

21 (4) Whether tribal management of the LTRO
22 functions resulting in a transfer of financial re-
23 sources and manpower from the Bureau of Indian
24 Affairs to the managing Indian tribes and, if so,
25 what transfers were undertaken.

1 (5) Whether, in appropriate circumstances and
2 with the approval of geographically proximate Indian
3 tribes, the LTRO functions may be performed by a
4 single Indian tribe or a tribal consortium in a cost
5 effective manner.

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